

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
1:09CV265-1-MU

ROBIN DALE MCKINLEY,

Petitioner,

v.

SUPT. DAVID MITCHELL,

Respondent.

ORDER

THIS MATTER comes before the Court upon Petitioner's Petition for a Writ of Habeas Corpus and Motion to Appoint Counsel, both filed July 16, 2009.

Rule 3(a) of the Rules Governing Section 2254 Cases in the United States District Courts requires that a petitioner's petition must be accompanied by the applicable filing fee (\$ 5.00) or a motion for leave to proceed in forma pauperis. Petitioner has not paid the filing fee. Nor has Petitioner filed a Motion for In Forma Pauperis status. This Court will allow Petitioner twenty days in which to pay the filing fee or file an application to proceed in forma pauperis.

IT IS, THEREFORE, ORDERED that Petitioner has twenty days in which to pay the filing fee or file an application to proceed in forma pauperis. Petitioner is warned that failure to comply with this Order will result in the dismissal of this petition.

Signed: August 4, 2009



Graham C. Mullen
United States District Judge



